

REMARKS

Applicants would first like to thank the Examiner for the courtesies extended to Applicants in conducting an Interview that took place on June 7, 2005, and in conducting a further search and Interview on June 20, 2005.

INTERVIEW SUMMARY:

During the Interview the Examiner and Applicants discussed the Examiner's rejections, including the objection to the oath or declaration. Applicants stated that the post office address in the declaration is the same as the Residence address that was previously provided by Applicants.

The Examiner and Applicants also discussed the rejection of claims 1-3 as being anticipated by Daniel under 35 U.S.C. § 102(b) and claims 4-6 as being obvious over Daniel in view of Jung under 35 U.S.C. § 103. Applicants stated that Daniel teaches a holographic element comprising a diffraction grating that presents two images of a bar code or other physical element that is separate from the diffraction grating. Applicants were able to distinguish Daniel by showing that Daniel did not include "at least one holographic layer comprising a first set of optical information in a first coded pattern and a second set of optical information in a second coded pattern," as recited in claim 1, including the amendment as proposed by Applicants. The Examiner acknowledged that the amended claims distinguished Applicants invention from Daniel, but also indicated that the amendment would require an additional search as the Examiner's understanding of the differences between Daniel and Applicants' invention had changed as a result of the Interview. In a subsequent discussion between Applicants and the Examiner, the Examiner stated that a subsequent search identified U.S. Patent Publication No. 2004/0233485 which the Examiner believed read on claim 1 of Applicants' invention. While Applicants do not believe that the newly cited reference discloses their claimed invention, Applicants nevertheless have amended the claims to in order to more particularly point out and distinctly claim the subject matter which the Applicants regard as the invention, so as to move this Application to allowance.

OBJECTION TO THE OATH OR DECLARATION:

Applicants have submitted a revised declaration and have stated that the Post Office Address is the same as the Residence address that is listed. If the Examiner insists that the declaration is still objected to, Applicants will submit a revised declaration.

REJECTION UNDER 35 U.S.C. § 102(b):

Applicants respectfully submit that the Examiner should withdraw the rejection of claims 1-3 under U.S.C. § 102(b) as being anticipated by Daniel.

The invention described in and taught by Daniel is very different from the invention claimed by Applicants. Daniel is directed toward a holographic element in the form of a diffraction grating that creates two different images of a physical object, either a bar code or signature, that is separate from and located below the diffraction grating. The diffraction grating generates two different images from the physical object and projects them to one or more detectors. This is very different from Applicants' invention.

Daniel does not in any way teach or describe a "holographic element including within substantially the entire planar area defined by the holographic element a first set of optical information in a first coded pattern and including in or on one or more portions of the holographic element a second set of optical information in a second coded pattern, wherein each of the first set of optical information and the second set of optical information represents a pattern of light," as recited in claim 1. Thus, Daniel does not describe or teach Applicants' invention.

With respect to dependent claims 2 and 3, because Daniel does not teach or describe each of the elements of independent claim 1 it cannot teach or describe each of the elements of dependent claims 2 and 3.

Because Daniel does not teach or describe each of the elements recited by claims 1-3 of Applicant's application, it cannot anticipate Applicants' invention. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claims 1-3 of the pending application under 35 U.S.C. § 102(b) and allow Applicants' claims to issue as a patent.

REJECTION UNDER 35 U.S.C. § 103(a):

Applicants respectfully submit that the Examiner should withdraw the rejection of claims 4-6 under U.S.C. § 103(a) as being unpatentable over Daniel in view of Jung.

For the same reasons as stated above with respect to independent claim 1, the invention described in and taught by Daniel is very different from the invention claimed by Applicants in independent claim 4. Daniel does not in any way teach or describe a "holographic element including within substantially the entire planar area defined by the

holographic element a first set of optical information in a first coded pattern and including in or on one or more portions of the holographic element a second set of optical information in a second coded pattern, wherein each of the first set of optical information and the second set of optical information represents a pattern of light,” as recited in claim 4. Thus, Daniel does not describe or teach Applicants’ invention.

With respect to dependent claims 5 and 6, because Daniel does not teach or describe each of the elements of independent claim 4 it cannot teach or describe each of the elements of dependent claims 5 and 6.

Because Daniel does not teach or describe each of the elements recited by claims 4-6 of Applicant’s application, Applicants’ invention cannot be obvious over Daniel in view of Jung. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claims 4-6 of the pending application under 35 U.S.C. § 103(a) and allow Applicants’ claims to issue as a patent.

NEW CLAIMS:

For the same reasons as stated above with respect to claims 1-6, Applicants’ new claims 7-20 are not anticipated by or obvious over Daniel whether alone or in any known combination.

NEW ART:

Patent Application Publications Pub. No. 2004/0233485 A1 (the “‘485 Publication”), identified by the Examiner during the follow up Interview on June 20, 2005 also does not teach or describe Applicants invention. The ‘485 Publication is directed toward a diffraction grating that includes numerous beads or particles throughout the surface of the diffraction grating that represent different codes. While the ‘485 Publication can provide millions of different codes it is vastly different from Applicants invention.

The ‘485 Publication does not teach or describe a “holographic element including within substantially the entire planar area defined by the holographic element a first set of optical information in a first coded pattern and including in or on one or more portions of the holographic element a second set of optical information in a second coded pattern, wherein each of the first set of optical information and the second set of optical information represents a pattern of light,” as recited in independent claims 1 and 4, nor does it teach or describe a

"holographic element comprising a first set of optical information in a first coded pattern within substantially the entire planar area defined by the holographic element and a second set of optical information in a second coded pattern in or on one or more portions of the holographic element, wherein each of the first set of optical information and the second set of optical information represents a pattern of light" as recited in independent claim 20.

Because the '485 publication does not teach or describe each element of independent claims 1, 4 or 20, it cannot teach or describe each of the elements of dependent claims 2-3 or 5-19. Therefore, Applicants believe that each of claims 1-20 are in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, each of the claims of the above referenced application is believed to be in condition for allowance, and Applicants respectfully requested that the Examiner at his earliest convenience withdraw the rejection of the claims and issue a notice of allowance.

Applicants can be reached at (973) 912-7174 if the Examiner believes that oral communication with Applicants will expedite issuance of this application.

Respectfully submitted,

Date: June 24, 2005

  
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